

Docket No.: 3589.68503

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class: ^^^^

Subclass: ^^^^

Prior application: 09/869,849

Examiner: Fenn C. Mathew

Art Unit: 3764

REQUEST FOR FILING CONTINUING OR DIVISIONAL APPLICATION

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a

☒ (X) Continuation application,

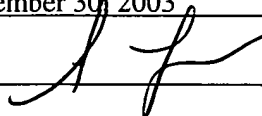
☐ () Divisional application,

under 37 CFR 1.53(b), of pending prior application Serial No. **09/869,849** filed on **October 18, 2001** for **THUMB SPLINT**

CERTIFICATION UNDER 37 CFR 1.10

I certify that, on the date shown below, these documents are being deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, as "Express Mail Post Office to Addressee," Mailing Label No. **EV032698084US**.

Date September 30, 2003

Signature 

The PTO did not receive the following
listed item(s) 3 drawings

Only 10 pgs of Specification, not 13



1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed. The attached application papers are a true copy of prior application Serial No.: **09/869,849** as originally filed on **October 18, 2001**, and no amendments referred to in the oath or declaration as originally filed introduced new matter. This statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The copy of the papers of the prior application as filed are as follows:

- ☒ 13 pages of specification including claims and abstract
 - ☒ 3 sheets(s) of drawing
 - ☒ 2 pages of declaration and power of attorney
2. ☐ Enclosed is a replacement specification reflecting previously submitted amendments and/or additional formal amendments. No new matter is added by the changes. A copy of the oath or declaration as originally filed is also included.

The new application includes:

- ☐ _____ pages of specification including claims and abstract
 - ☐ _____ sheets(s) of drawing
 - ☐ _____ pages of declaration and power of attorney
3. ☐ A statement (Declaration) claiming small entity status was filed in the prior application and small entity status for this application is proper and desired.
4. ☒ Cancel in this application original claims 1-7 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).

5. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

For	No. Filed	No. Extra	Rate	Fee
Basic Fee.....				\$750.00
Total Claims...	8 - 20 =	0	x \$18.00 =	\$ -0-
Independent Claims....	2 - 3 =	0	x \$84.00 =	\$ -0-
		Total Filing Fee		\$750.00
Statement of Status as Small Entity Reducing Filing Fee By Half To				\$375.00-

6. ☒ A check in the amount \$ 375.00 is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this application under 37 C.F.R. § 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069. A duplicate copy of this sheet is enclosed.
8. ☐ A petition and fee for an extension of time has been filed in the pending prior application. A copy of the petition is attached.
9. ☒ Amend the specification by inserting before the first line the sentence: --This is a ☒ continuation, ☐ divisional, ☐ continuation-in-part, of application Serial No. **09/869,849**, filed **October 18, 2001**.--
10. ☒ Priority of application Serial No(s). **2,286,959** filed on **November 8, 1999** in **Canada** is claimed under 35 U.S.C. § 119.
- ☒ The certified copy(ies) has (have) been filed in prior application Serial No. **PCT/CA00/01292**, filed **November 6, 2000**.
11. ☐ The prior application is assigned of record to: ^^^^ . The assignment was recorded on ^^^^ on Reel ^^^^, Frame ^^^^.

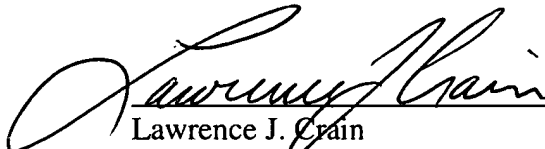
12. (X) The inventor of the invention of the parent application, serial number **09/869,849** is **Harold Fisher**.
13. (X) An information disclosure statement is submitted herewith.
14. (X) A preliminary amendment is enclosed herewith.
15. () Please delete the name(s) of ^^^^ who is (are) not a (an) inventor(s) of the subject matter of the () continuing () divisional application.
16. (X) The power of attorney in the prior application is to:

Lawrence J. Crain, Reg No. 31,497
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606

- (X) The power appears in the original papers in the prior application.
- () Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- () Associate Power of Attorney is enclosed.
- () A copy of the Associate Power to ^^^^ is enclosed. The original Associate Power was filed in the parent application.
- (X) Address all future communications to:

Lawrence J. Crain, Esq.
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606

September 30, 2003


Lawrence J. Crain
Registration No. 31,497
Attorney of Record

Greer, Burns & Crain, Ltd.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
312.360.0080

Parent Document No.: 3589.65672
Continuation/Divisional Document No.: 3589.68503

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Harold Fisher
Application No.: 09/869,849
Filed: October 18, 2001
For: THUMB SPLINT

Art Unit: 3764
Examiner: Fenn C. Mathew

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTIFICATION OF FILING OF CONTINUING
OR DIVISIONAL APPLICATION**

Notification is hereby being made of the filing of a:

☒ continuation
☐ continuation-in-part
☐ divisional


application for this case

☒ concurrently herewith.

☐ on _____
Date

Reg No. 31,497^^^

Tel. No.: 312.360.0080



SIGNATURE OF ATTORNEY

Lawrence J. Crain
(type or print name of attorney)

Greer, Burns & Crain, Ltd.

300 S. Wacker Dr. Suite 2500
(address)

Chicago, IL 60606

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:


☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8a

37 C.F.R. 1.10

with sufficient postage as "first class" mail. ☒ as "Express Mail" Mailing Label No. ^EV032698084 US

September 30, 2003
Date



Signature

Alfredo Zhaqui
(type or print name of person certifying)